

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

**EARL DEAN CHRISTIAN, JR.,**

Plaintiff,

**v.**

**H. MACIAS, et al.,**

Defendants.

2:21-cv-00305-KJN

**~~PROPOSED~~ ORDER GRANTING  
DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO FILE  
PRE-ANSWER MOTION FOR  
SUMMARY JUDGMENT  
(EXHAUSTION)**

Plaintiff is a state prisoner, proceeding through counsel. On November 23, 2022, defendants filed a motion for extension of time to file their motion for summary judgment on exhaustion grounds. Plaintiff does not oppose the extension.

“The district court is given broad discretion in supervising the pretrial phase of litigation.” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that “[a] schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “The schedule may be modified ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson, 975 F.2d at 607).

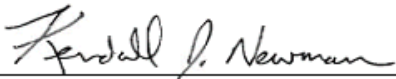
Good cause appearing, defendants' motion is granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Defendants' motion (ECF No. 49) is granted; and

2. Defendants shall file their motion for summary judgment three weeks from the date of this order. Thirty days thereafter, plaintiff shall file his opposition. Defendants' reply, if any, shall be filed fifteen days after the filing of plaintiff's opposition.

Dated: December 1, 2022

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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